

Appl. No. : 10/624,204
Filed : July 22, 2003

REMARKS

Applicant initially would like to acknowledge with appreciation the allowance of Claims 1-25. Claims 26-29 are resubmitted herewith substantially in their original form (with one minor amendment to corrected a noted informality in the language of Claim 26) for reconsideration by the Examiner.

Claims 26-29 stand rejected under 35 U.S.C. § 102(b) as anticipated by Kanno (U.S. Patent No. 5,352,138). Applicant respectfully traverses the rejection.

Claim 26 recites, among other limitations, that the control circuit further delays operator-commanded transitions in the engine's shift mode as needed to allow the throttle valve to be placed in an approximately closed state before such shift mode transitions occur. Kanno does not disclose such a delay in effectuating the operated-commanded transitions in the engine's shift mode. Kanno rather discloses reducing engine speed to assist shifting, which can be accomplished by interrupting spark firings or fuel injections until the gear shifting operation is complete. Kanno further teaches that other types of speed restraining means (e.g., a throttle lock solenoid) can be employed instead of the ignition interrupt circuit. See Col. 5, lines 54-68, and Col. 6, lines 1-19. Reducing engine speed to assist shifting is not the same as delaying the shifting operation. Accordingly, Kanno fails to disclose, *inter alia*, a system that further delays operator-commanded transitions in the engine 's shift mode.

As Kanno does not disclose at least the delay limitation noted above, the rejection should be withdrawn and Claim 26 should be allowed. Additionally, Claims 27-29 should also be allowed at least for the reasons noted above in connection with Claim 26.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Bill Shreve at (949) 721-2895 (direct line) in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 2, 2004

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